

**UNITED STATES COURT OF APPEALS**

FOR THE SIXTH CIRCUIT

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UNITED STATES OF AMERICA,

*Plaintiff-Appellee,*

v.

JEFFERY HAVIS,

*Defendant-Appellant.*

No. 17-5772

Appeal from the United States District Court  
for the Eastern District of Tennessee of Chattanooga.  
No. 1:16-cr-00121-1—Travis R. McDonough, District Judge.

Decided and Filed: April 18, 2019

BEFORE: COLE, Chief Judge; MOORE, CLAY, GIBBONS, SUTTON, GRIFFIN,  
KETHLEDGE, WHITE, STRANCH, DONALD, THAPAR, BUSH, LARSEN,  
NALBANDIAN, READLER and MURPHY, Circuit Judges.

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**ORDER**

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A majority of the Judges of this Court in regular active service has voted for rehearing en banc of this case. Sixth Circuit Rule 35(b) provides as follows:

The effect of the granting of a hearing en banc shall be to vacate the previous opinion and judgment of this court, to stay the mandate and to restore the case on the docket sheet as a pending appeal.

Accordingly, it is ORDERED, that the previous decision and judgment of this court are vacated, the mandate is stayed and this case is restored to the docket as a pending appeal.

Briefing and scheduling of this case for oral argument will follow as the Clerk may direct.

ENTERED BY ORDER OF THE COURT

A handwritten signature in black ink, appearing to read "Deborah S. Hunt", is written above a horizontal line.

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Deborah S. Hunt, Clerk